Draft
Environmental Assessment

Removal of Unauthorized Fish in Carter Ponds

October 17, 2014

Montana Fish, Wildlife & Parks

Removal of Unauthorized Fish in Carter Ponds
Draft Environmental Assessment
MEPA/NEPA CHECKLIST

PART I: PROPOSED ACTION DESCRIPTION

1. Type of Proposed Action:

Montana Fish, Wildlife and Parks (FWP) proposes to remove unauthorized bluegill and yellow perch from Upper and Lower Carter Ponds.

2. Agency authority for the proposed action:

Montana Code Annotated (MCA) 87-1-201(3) The department (FWP) has the exclusive power to spend for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds…

3. Name of Project

Removal of Unauthorized Fish in Carter Ponds

4. Name, Address and Phone Number of Project Sponsor

Montana Fish, Wildlife, and Parks
4600 Giant Springs Road
Great Falls, Mt. 59405
406-454-5853

5. If Applicable:

Estimated Construction/Commencement Date:	November 2014
Estimated Completion Date:	July 2015
Current Status of Project Design (% complete):	0%

6. Location Affected by Proposed Action (county, range and township)

Upper and Lower Carter Pond are located in Township 16 North, Range 18 East, sections 15 and 22, Fergus County, Montana (Figure 1).

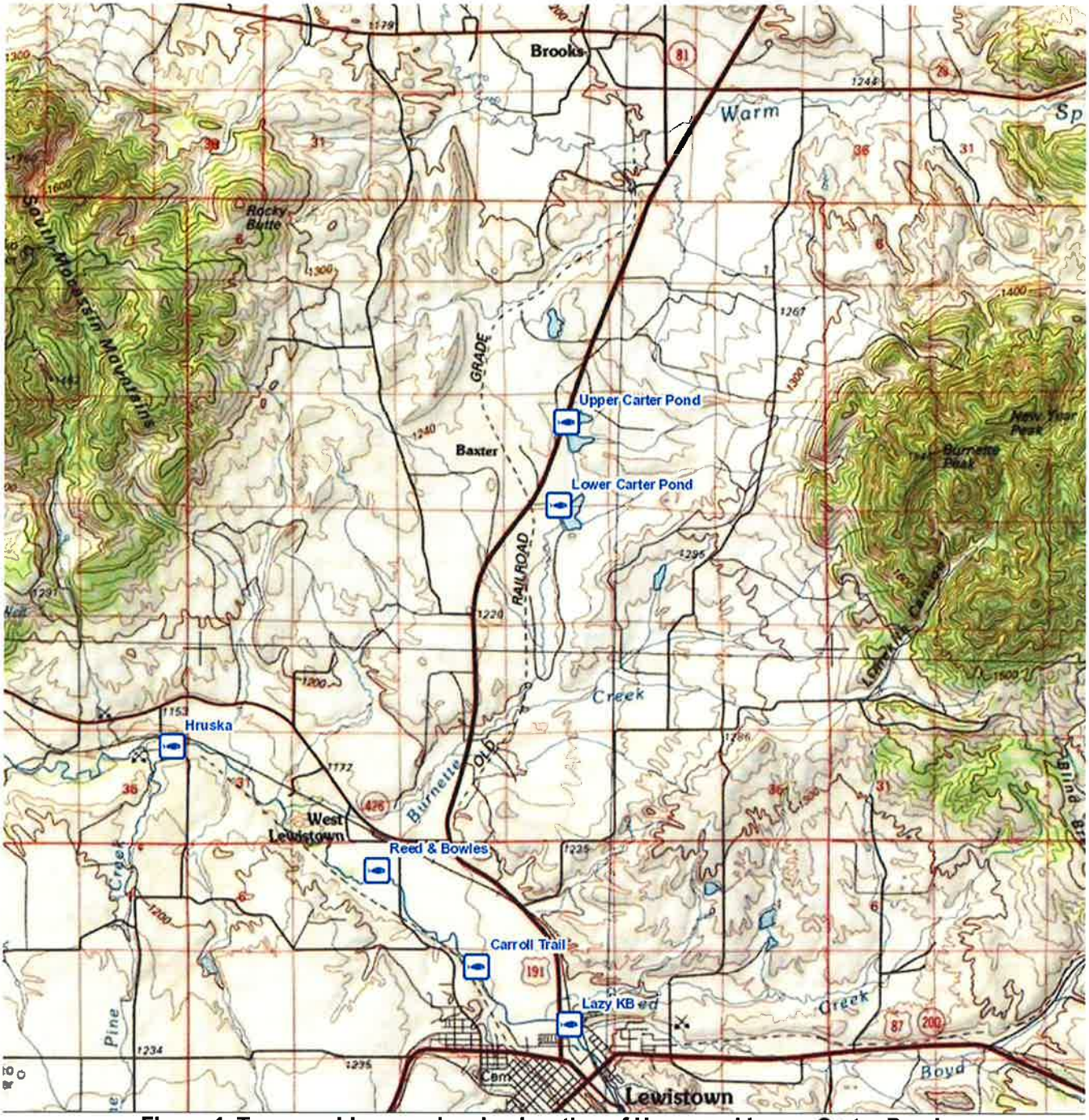

Figure 1. Topographic map showing location of Upper and Lower Carter Pond.

7. Project Size: Estimate the number of acres that would be directly affected.

Upper Carter Pond has a surface area of 30 acres with a full pool capacity of 119 acre-feet.

Lower Carter Pond has a surface area of 26 acres and a full pool capacity of 175 acre-feet.

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Montana DNRC	Water rights enforcement

9. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action.

Description

Upper and Lower Carter Ponds are two small reservoirs located 6 miles north of Lewistown. The upper pond is fed by springs and an ephemeral drainage. The lower pond is fed by the upper pond and Burnette Creek. The Carter Ponds are within the Big Spring Creek drainage. Both sites have public access through FWP administered Fishing Access Sites (FAS). In 2007 the dams and drawdown structures of each reservoir were repaired and improved for safety, better water storage, fish and wildlife habitat, and livestock watering. The dams rebuilding project was a cooperative effort between the landowner, sporting groups, and government agencies. The total cost of the 2007 dams rebuilding project was approximately $430,000. These improvements were completed in 2009 and have eliminated the fish kills, and water storage failures that were common prior to the dam repairs.

Existing Fisheries

The Carter Ponds are currently managed as put-grow-and-take trout fisheries. Upper Carter Pond has been stocked with rainbow trout since 1951. In recent years it has been stocked with 3,000 4-inch rainbow trout annually. Lower Carter Pond has been managed by FWP since 1986. It has been stocked with primarily rainbow trout through the years. Largemouth bass were also stocked for a 6-year period from 1997 to 2002. The lower pond is currently stocked with 1,000 4-inch and 1,000 8-inch rainbow trout annually. Bluegill and yellow perch were illegally introduced sometime after 2007.

Unauthorized Introductions

Unauthorized introductions of bluegill and yellow perch have resulted in both species being present in Upper and Lower Carter Pond. Bluegill were first documented in Upper Carter Pond in 2012, although initial reports were made by anglers to FWP personnel in 2010. Bluegill were discovered in Lower Carter Pond in 2013. The bluegill populations in both ponds have expanded quickly, as demonstrated in the catch-per-unit-effort (CPUE) data from FWP sampling in recent years (Figure 2). According to the metrics used to monitor the fisheries in Carter Ponds, the expansion of the bluegill populations have resulted in negative impacts to the trout fisheries. These impacts are clearly noted in Upper Carter Pond, as indicated by declines in trout CPUE (Figure 2) and relative weights (Figure 3).

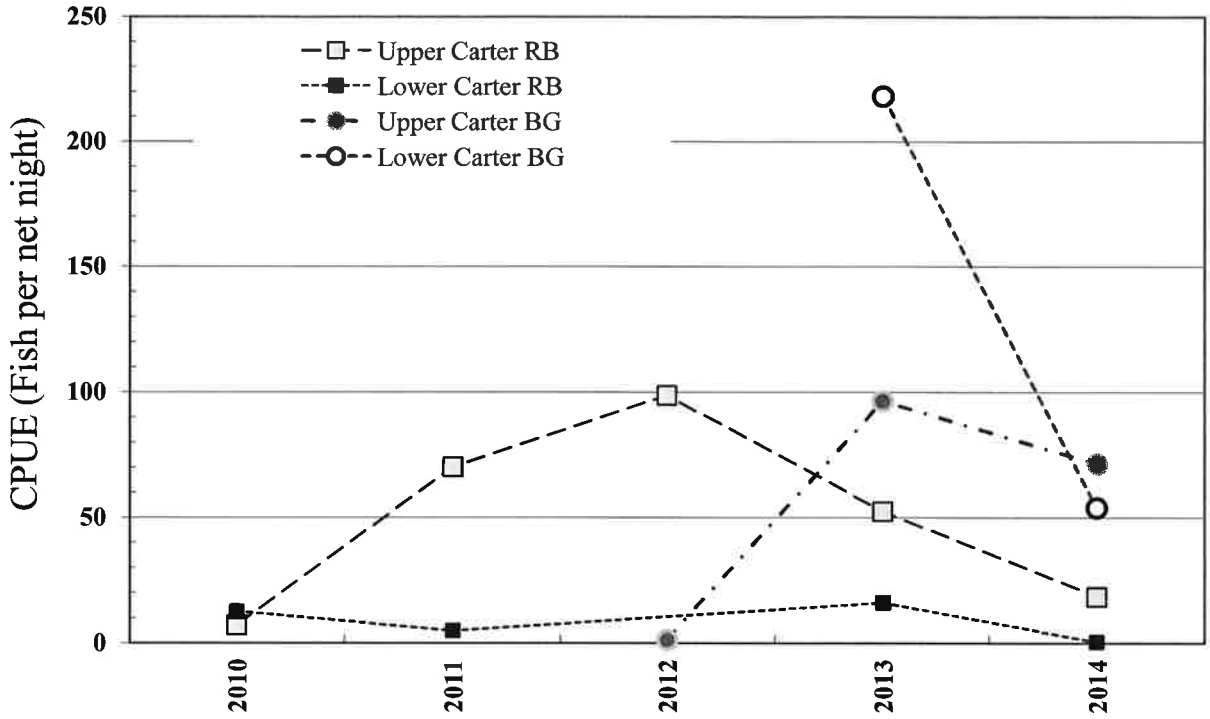

Figure 2. Catch-per-unit-effort (CPUE) of rainbow trout and bluegill in Upper and Lower Carter Pond following 2009 dam improvements.

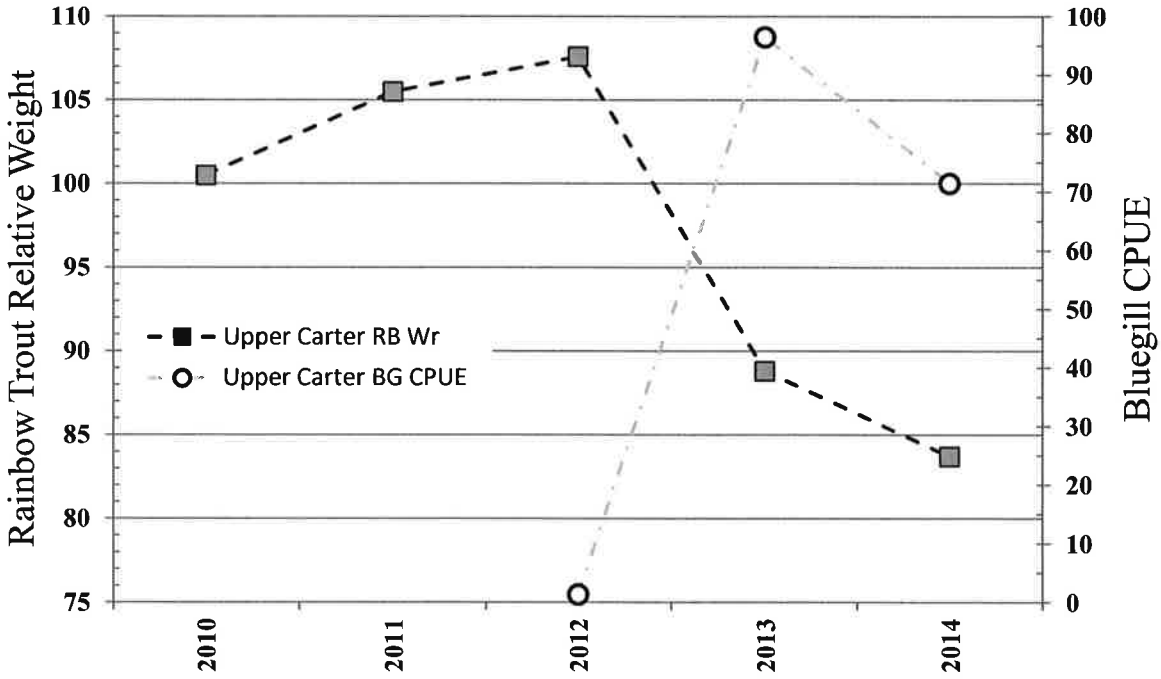

Figure 3. Rainbow trout condition, as measured by relative weight, and bluegill catch-per-unit-effort (CPUE) in Upper Carter Pond from 2010 to 2014. Note decline in rainbow trout condition corresponding with increase in bluegill abundance.

Yellow perch were first sampled in both ponds in 2013. To date perch have been sampled in very low numbers, suggesting that the founders have not reproduced or that the age-classes originating from the initial unauthorized perch population are too small to be detected with gillnets. Two yellow perch were sampled in 2014, both of which were mature females, indicating that reproduction is likely occurring. Fisheries biologists anticipate that the yellow perch population will also expand quickly, following a pattern similar to what we've observed with the bluegill population. Both species would likely expand quickly due to the lack of significant predation.

Management Need

The unauthorized introductions of bluegill and yellow perch in Upper and Lower Carter Pond have resulted in a decline in the quality of the fisheries. As demonstrated in Figure 3, the condition and CPUE of rainbow trout has declined steadily. Additionally, the likelihood of stunting and the current length-frequency data of the bluegill populations (Figure 4) suggest that the ponds will not support a quality bluegill fishery with the current fish assemblage. It is anticipated that without management action, the length-at-age of the bluegill population will continue to compress and the presence of quality-sized bluegill (> 6-inches) would be rare. Stunting is expected to occur in both ponds, however due to bluegill first being introduced into the upper pond and then migrating down to the lower pond, fewer age-classes are present in the lower pond at this time and the compression of the length-at-age structure in the population is still developing.

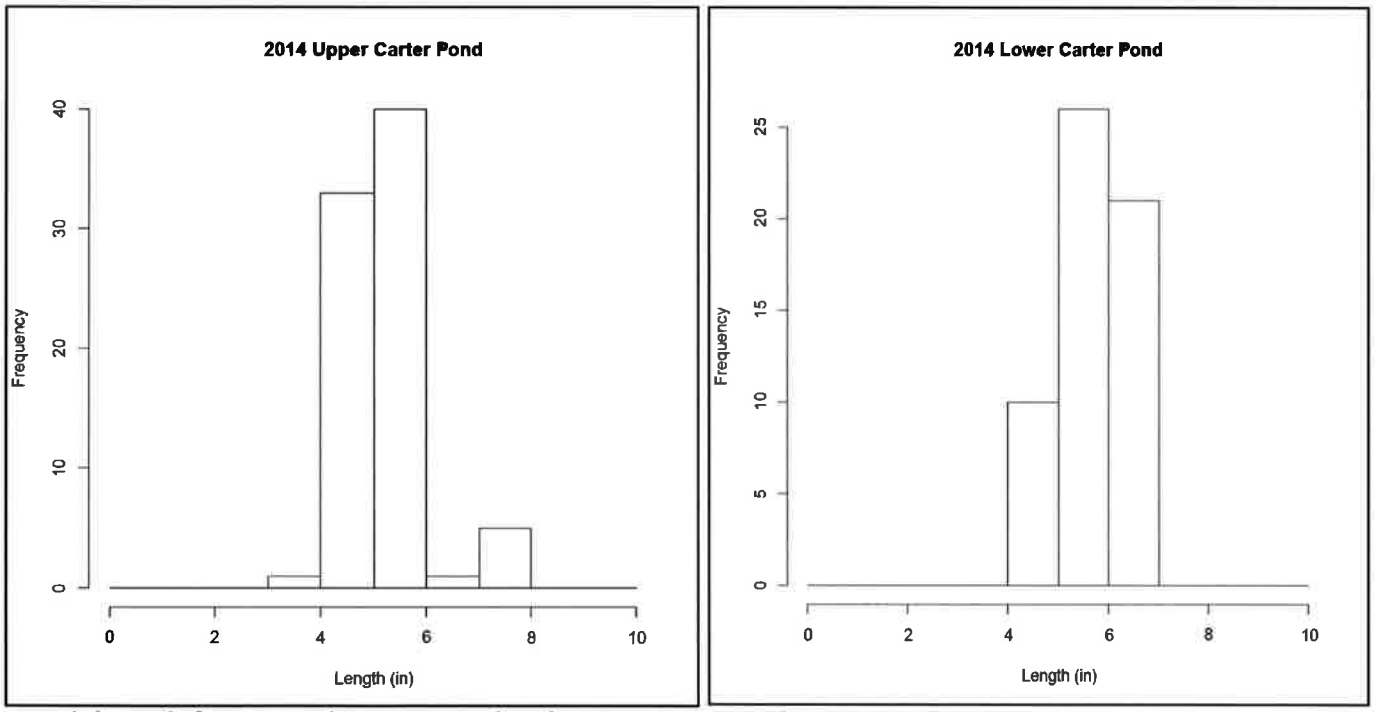

Figure 4. Length-frequency histograms showing the size-class frequency of bluegill in Upper and Lower Carter Pond sampled in April 2014. Note the low abundance of quality-sized bluegill (> 6-inches) in Upper Carter Pond. Also note the fewer size-classes present in Lower Carter Pond, indicating a lag in colonization from the upper pond to the lower pond.

Prior to the unauthorized introductions, the Carter Ponds were excellent rainbow trout fisheries. The history of these two ponds of providing high quality trout fisheries was the primary motivation in repairing the dams in 2007. The high quality forage and lack of competition led to growth rates not commonly seen in the Lewistown management area, especially in the lower pond, which produced many trout larger than 18 inches (Figure 5). Most Lewistown area reservoirs do not produce trout of that size due to competition with other fish species and/or high densities of rough fish such as suckers. This unique aspect of the Carter Ponds is a main impetus for the proposed action.

In 2006 a partnership with Montana Fish, Wildlife, & Parks, Ducks Unlimited, US Fish & Wildlife Service, North American Wetlands Conservation Council, Natural Resources Conservation Service, Montana Department of Natural Resources, Fergus Conservation District, and the landowner was formed to rebuild both Carter Pond dams for the purpose of reestablishing a high quality trout fishery, waterfowl production and livestock water. The illegal introduction of bluegill and yellow perch has interfered with the primary purpose behind the 2007 dams rebuilding project.

The 2013 Montana Statewide Fisheries Management Plan lists the management direction for Upper and Lower Carter ponds to maintain a recreational fishery for larger sized rainbow trout under a put-grow-and-take regiment.

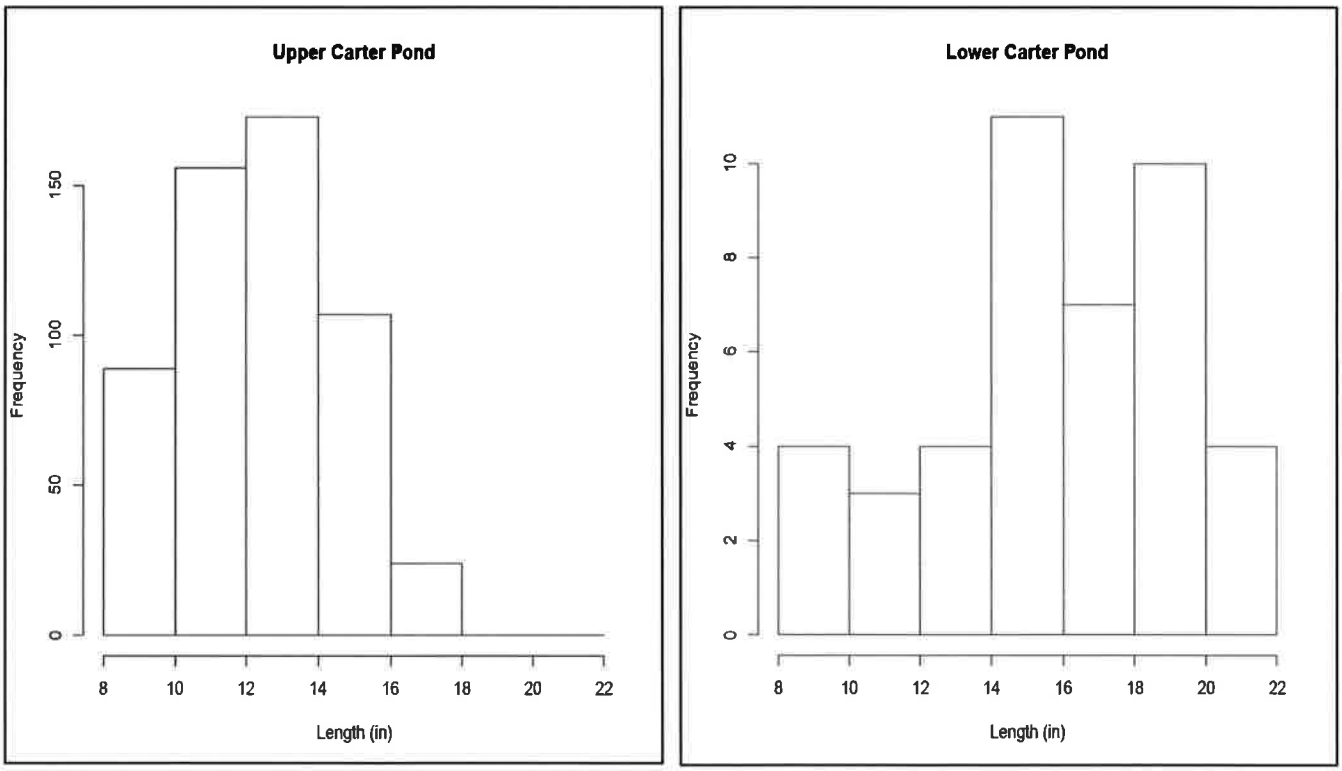

Figure 5. Length-frequency histograms showing size-class frequency of rainbow trout in Upper and Lower Carter Pond sampled from 2011 to 2014. Note the high relative abundance of fish greater than 18-inches present in Lower Carter Pond.

Management Action

Montana FWP is proposing to remove bluegill and yellow perch from Upper and Lower Carter Ponds in order to fulfill the objectives of the 2007 dam reconstruction project and manage Carter Ponds as directed in the Statewide Fisheries Management Plan.

To accomplish the objectives of the proposed project we would draw down (and pump) the reservoirs to create conditions that would induce a winterkill of fish in both reservoirs. Winterkill occurs due to a lack of dissolved oxygen being available to fish. During the winter, oxygen levels can become depleted due to ice and snow limiting sunlight from reaching aquatic vegetation, which produce oxygen through photosynthesis. In reservoirs such as the Carter Ponds, oxygen can quickly be consumed by fish and by bacteria during the process of decomposition. Consumed oxygen is not replaced due to the lack of photosynthesis. As oxygen levels decline, fish suffocate and die. These conditions can be created in the Carter Ponds by drawing down the reservoirs using the outlet structures. Additional pumping may be required to remove enough water to ensure a complete winterkill; this would be done via the use of an engine driven water pump which would deplete water levels to the desired elevations. Once drained, the ponds would remain drawn down over-winter for the winterkill process to occur. After ice melt, FWP personnel would sample the reservoirs to determine the effectiveness of the winterkill. Upon confirming a complete winterkill, the reservoirs would be refilled and they would be restocked with trout to achieve the objectives of the 2007 rebuilding project and the Statewide Fisheries Management Plan.

During the drawdown process, fish may escape from the reservoirs via the outlet structures. Fish that escape are not expected to have biological impacts to downstream aquatic life or habitats. The downstream waters include Burnette Creek, Big Spring Creek, Judith River, and Missouri River. These waters are not viable habitat for bluegill or yellow perch, as the species requires slack or still water habitat to persist. A small number of fish may take up temporary residence in the few areas of slack water habitat in the river systems; however these impacts would be short-term and would not have population level impacts. The downstream habitat is suitable for trout, with wild populations of brown and rainbow trout present. Any escaped trout would likely become integrated into the wild trout populations. All stocked trout are certified disease and aquatic invasive species free as part of state hatchery protocol. There would be no conservation genetics of concern that would be impacted by any escaped rainbow trout. Although no impacts to downstream aquatic life and habitats would be expected, FWP personnel would operate a fish trap below the outlet structure of Lower Carter Pond while the drawdown occurred. This would prevent any escaped fish from migrating to the downstream waters. Any fish captured would be destroyed. Operating a fish trap during the drawdown process would not strain FWP resources, personnel, or budgets.

The proposed management action may impact existing livestock water rights on the Carter Ponds. FWP and the other water rights holder have initiated discussions of mitigating the impacts associated with the proposed action. These mitigation measures would ensure that water is available for livestock during the period of drawdown and may include measures such as hauling water or improving the existing water gap.

Public Scoping

On September 4, 2014, Montana FWP held an open house meeting in Lewistown to present the Carter Ponds illegal fish introduction issue to the public. This involved a presentation on the history of the ponds, the development of the fishery, the failure of the dams, the partnership to rebuild the dams and the illegal introduction of bluegill and yellow perch. There were 15 members of the public in attendance. Members of the public provided 27 statements or comments that helped form the basis for the proposed action.

Unauthorized Placement of Fish Rule

In 2014, by the direction of the Montana Fish & Wildlife Commission, Montana FWP completed the rule making process for the unauthorized placement of fish and the Montana Secretary of State adopted ARM 12.7.1501. Because bluegill and yellow perch were illegally introduced in Carter Ponds before 2014, the FWP response is not subject to ARM 12.7.1501.

PART II: ENVIRONMENTAL REVIEW

1. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

The proposed action would not result in impacts to land resources.

2. AIR **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))			X			2a
b. Creation of objectionable odors?			X			2b
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge which will conflict with federal or state air quality regulations? (Also see 2a)		X				
f. Other		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

2a/2b. The proposed work may require the use of a diesel pump to complete the drawdown to a water elevation suitable to achieve a complete winterkill. This action would result in diesel emissions and objectionable odors while the pump was in use. The reduction in air quality stemming from the proposed action would be short-term in duration and not significantly deteriorate air quality.

Rotting fish flesh may create objectionable odors. This would be short term and minor as the refilling process would help mitigate the concentration of dead fish.

3. WATER **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X			3a
b. Changes in drainage patterns or the rate and amount of surface runoff?			x			3b
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X			3d
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?			X			3i
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?			X			3k
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)		X				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		X				
n. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

3a. The proposed action would result in the discharge of surface water into Burnette Creek as the reservoirs are drained. This action would not significantly alter water quality; however temporary increases in turbidity would be expected as flows in Burnette Creek are increased. This would be a short-term impact of the proposed action.

3b. During the refilling process, much of the water would be stored in the reservoirs rather than flow downstream. During refilling

we would maintain base flow in the stream downstream of the reservoirs to reduce impacts to the stream environment.

3d. This would be an intended result of the proposed action. Drawdown of the reservoirs would occur with the intention of creating conditions within the reservoirs that would result in fisheries winterkill. This action would change the amount of surface water in the reservoirs over the winter season. Following the proposed action, the reservoirs would be allowed to refill and return to their current water storage capacities.

3i. There are 4 existing water rights on the Carter Ponds. Cooperative agreements are being developed to ensure that any impacts to water rights would be mitigated against any impacts the proposed action would have on those existing water rights.

3k. The proposed action would drawdown the reservoirs, thus altering the surface water quantity available at the reservoirs. This would result in effects to recreational users of the reservoirs and the existing water rights as noted above in 3i. The impacts of the proposed actions would be short-term, as once the conditions suitable to create a winterkill are complete, the reservoirs would be allowed to refill to their typical water storage capacities. It is anticipated that the reservoirs would begin to refill during the spring runoff.

4. VEGETATION **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D- J, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

The proposed action would have no impact on vegetation. One provision of the partnership funding included occasional reservoir drawdown to promote shoreline vegetation for waterfowl habitat. This project would occur over the winter months when no vegetation is growing.

5. FISH/WILDLIFE **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?			X			5a
b. Changes in the diversity or abundance of game animals or bird species?			X			5b

c. Changes in the diversity or abundance of nongame species?			X			5c
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X			5g
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		X				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		X				
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5a. This would be an intended result of the proposed action. Deteriorating the habitat of the unauthorized species in Upper and Lower Carter Pond would result in their removal by creating winterkill conditions within the reservoirs.

5b/5c. This would be an intended result of the proposed action and would be mitigated by future fish stocking efforts. The proposed action would result in the removal of the fisheries currently present in the reservoirs. Rainbow trout would be restocked in the reservoirs to mitigate these impacts and reestablish the recreational fisheries as outlined in the 2007 rebuilding project.

5g. Impacts to fish and wildlife other than those disclosed in this document would not be anticipated.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Increases in existing noise levels?			X			6a
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

6a. The proposed action may result in a temporary increase in existing noise levels should a diesel pump be required to drawdown the water elevations to the desired levels. This impact would be short-term in duration and likely not impact the human environment, as the reservoirs are in rural locations.

7. LAND USE **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			x			
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: _____		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7a. The proposed action could have short term impacts on a grazing allotment on private land to the east of the reservoirs. The drawdown is proposed for a time when no livestock would be in the area. However, the duration of the refilling process is uncertain and dependant on the amount of snow accumulation, snow melt and surface water runoff. As such, in order to maintain profitability and function of the grazing allotment, FWP may have to provide water for livestock in the spring. The owner of the grazing allotment is also a water right holder on the lower reservoir. FWP is negotiating a temporary solution to provide water for livestock that use the lower reservoir for drinking water, if necessary. These impacts would be short term.

8. RISK/HEALTH HAZARDS **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

The proposed action would have no impact to risks or health hazards in the human environment.

9. COMMUNITY IMPACT **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				

c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?			x			See 7a
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

The proposed action would have no community impacts.
See 7a for comments on impacts to commercial livestock grazing.

10. PUBLIC SERVICES/TAXES/UTILITIES **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: _____		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.		X				
g. Other:_____		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

The proposed action would have no impacts to public services, taxes, or utilities.

11. AESTHETICS/RECREATION **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X			11a
b. Alteration of the aesthetic character of a community or neighborhood?		X				

c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			X			11c
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

11a. The proposed action would result in the reservoirs temporarily being drained, which would alter the scenery of the Carter Ponds. This impact would be short-term in duration and cease once the reservoirs begin to refill.

11c. The proposed action would be intended to increase recreational use of the proposed sites by improving angling opportunities. The objectives of this project are consistent with the objectives of the 2007 dams reconstruction project. No major differences in objectives are expected. No tourism report is required to quantify these opportunities.

12. CULTURAL/HISTORICAL RESOURCES **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? **Attach SHPO letter of clearance.** (Also see 12.a)		NA				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

The proposed action would have no impact on cultural or historical resources.

13. SUMMARY EVALUATION OF SIGNIFICANCE **Will the proposed action, considered as a whole:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				

d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		NA				
g. For P-R/D-J, list any federal or state permits required.		NA				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed)

There were no impacts identified in this analysis that would be individually or cumulatively significant. The proposed action would not have a significant impact on the social, economic, environmental, cultural, or community resources of the area. Prior to 2007, the reservoirs were drained as part of the dams reconstruction project. As such, there is a recent measure of the likely impacts and recovery potential of these reservoirs from draining and refilling.

PART II: ENVIRONMENTAL REVIEW, CONTINUED

2. **Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a comparison of the alternatives with the proposed action/preferred alternative:**

Alternative A: No Action

If the No Action alternative were adopted, the status quo would continue in the Carter Ponds. The quality of the fishery would continue to decline, as bluegill and yellow perch populations would continue to expand to the point of stunting and continue to limit rainbow trout growth by competing for the same food resources. The No Action alternative would not fulfill the objectives of improving the fisheries in the Carter Ponds nor would it restore a quality trout fishery as intended by the 2007 dams reconstruction project.

Alternative B: Stock Predator

Stocking a predator fish species in the reservoirs would likely improve the quality of the angling opportunities in the Carter Ponds by providing some control of the bluegill and yellow perch populations. This alternative would likely improve the existing fisheries; however it would not restore a quality trout fishery to the Carter Pond complex as was the objective in the 2007 dams reconstruction project. This alternative also rewards the illegal introduction by allowing the unauthorized species to persist and altering the fisheries management for the unauthorized species. One objective of the 2007 dams reconstruction project was to create a quality trout fishery. Stocking a predator fish to manage the illegal bluegill and perch populations would not fulfill the objectives of this proposal or the 2007 dams reconstruction project.

Alternative C: Upper Pond Drawdown

The Upper Pond drawdown alternative would result in the removal of the unauthorized species from the upper pond only. This would be done by drawdown of the pond to encourage winterkill in order eliminate the existing fisheries from the reservoir. This alternative would result in diversity of species to angle at this site but it would only partially fulfill the objectives of the 2007 dams reconstruction project. However, this alternative would also reward the illegal introduction by managing bluegill and perch in the lower pond. Furthermore, this alternative does create a high risk of someone moving bluegill and perch from the lower pond to the upper pond simply due to having a source of bluegill and perch so close to the upper pond. This alternative would not meet the objectives of this proposal or the objectives of the 2007 dams reconstruction project.

Alternative D: Remove Unauthorized fish species (Preferred Alternative)
The Remove Unauthorized fish species alternative would result in the desired objectives to restore the quality trout fisheries as identified in this proposal and the 2007 dams reconstruction project. The ponds would be managed at trout fisheries. The preferred alternative would not reward the illegal introductions. Prior to the unauthorized introductions negatively impacting the trout fisheries, the Carter Ponds provided a unique angling opportunity for large trout in a publically accessible reservoir. This would be the desired outcome of the preferred alternative.

3. **Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**
(This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC, 1996). A completed checklist designed to assist state agencies in identifying and valuating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A.)

The EA has disclosed the foreseeable impacts and mitigation measures to private property, land use practices, angling and recreation and water rights as a result of the proposed action.

PART III: NARRATIVE EVALUATION AND COMMENT

This analysis did not reveal any significant impacts to the human or physical environment.

After consideration of the alternatives listed, the desired objectives, and any limitations identified in this analysis, FWP has made the determination that Alternative D, as described in the draft EA, has the greatest potential of fulfilling the desired objectives while having the least environmental impact.

PART IV: EA CONCLUSION SECTION

1. **Based on the significance criteria evaluated in this EA, is an EIS required (YES/NO)? If an EIS is not required, explain why the EA is the appropriate level of analysis for the proposed action.**

No. Based on an evaluation of impacts to the physical and human environment, this assessment revealed no significant negative impacts from the proposed action; therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis.

2. **Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

   FWP has initiated conversations with local anglers in an attempt to gauge public interest and support for the proposed action. To date those conversations have been generally supportive of the proposed action.

   Additionally, a public meeting was held to provide information to the public and to gauge public sentiment on future Carter Pond fisheries management. Fifteen members of the public attended the meeting, which was held on September 4, 2014. Most comments were in favor of removing the unauthorized introductions and attempting to return the quality trout fisheries to the Carter Ponds. Some individuals expressed appreciation for the status quo and that they enjoyed the bluegill fishery close to town. The comments from the public meeting were used to create the list of alternatives and to identify the preferred alternative.

   This EA will be circulated to interested parties such as angling groups and local sporting goods stores. It will be posted on the FWP website and copies will be made available in the FWP Lewistown Area Resource Office for a period of 30 days. A notice of the proposed project and EA will be advertised in the Lewistown News-Argus.

3. **Duration of comment period, if any. Date when comments are due. Mail or email address to send comments.**

   The draft EA will be open for public comment from October 17, 2014 through November 16, 2014.

   Comments can be sent to:
   Montana Fish, Wildlife, & Parks
   Attn: Carter Ponds
   4600 Giant Springs Road
   Great Falls, Mt. 59405
   ggrisak@mt.gov

4. **Name, title, address, and phone number of the person(s) responsible for preparing the EA.**

Clint Smith
Lewistown Area Fisheries Biologist
Montana Fish, Wildlife, & Parks
215 W. Aztec Dr.
PO Box 938
Lewistown, MT 59457
(406) 538-4658 *227

Grant Grisak
Region 4 Fisheries Manager
Montana Fish, Wildlife & Parks
4600 Giant Springs Road
Great Falls, Mt. 59405
406-454-5853

APPENDIX A

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

(LIST ANY MITIGATION OR STIPALTIONS REQUIRED, OR NOTE "NONE")

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically viable uses of the property?
	X	4. Does the action deny a fundamental attribute of ownership?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is **NO**, skip questions 5a and 5b and continue with question 6.]

	NA	5a.	Is there a reasonable, specific connection between the government requirement and legitimate state interests?
	NA	5b.	Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6.	Does the action have a severe impact on the value of the property?
	X	7.	Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]
	NA	7a.	Is the impact of government action direct, peculiar, and significant?
	NA	7b.	Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
	NA	7c.	Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.